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October 22, 2023

By ECF

Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn NY 11201

Re: *United States v. Zhu*, 21 Cr. 265 (PKC)

Your Honor:

I was appointed on July 13, 2023, to represent Zhu Yong in the above-captioned case pursuant to the Criminal Justice Act. I write concerning retained counsel Kevin Tung's letter to the Court yesterday in which he again moves to withdraw. Dkt. 288. As described below, Mr. Zhu informs me that he does not wish to have Mr. Tung remain his lawyer and Mr. Tung's withdrawal would not delay this case, including the date of any sentencing.

When the Court denied Mr. Tung's application to withdraw at the July 11, 2023 conference, it noted the pending motion schedule but indicated that new counsel would be appropriate for sentencing. 7/11/23 Tr. (Dkt. 273) at 20 ("I think a new attorney could step in and effectively represent Mr. Zhu for sentencing purposes."). I was appointed two days later. Counsel filed post-trial motions on August 9, 2023. Dkt. 277.

In his letter and reply brief dated October 21, Mr. Tung again moved to withdraw. Dkt. 288. He stated that "Mr. Silverman informs me that he does not oppose this request and he does not believe that my withdrawal at this time will delay further proceedings." That is a correct statement. Given the ongoing breakdown in communications between Mr. Zhu and Mr. Tung; the fully briefed post-trial motions; and the familiarity that I have gained with this matter, I do not oppose Mr. Tung's motion to withdraw and do not believe it will cause undue delay. Mr. Tung also writes that "CJA counsel" stated "that Mr. Zhu would consent to this request." Yesterday afternoon, I conferred with Mr. Zhu, who again conveyed to me in no uncertain terms that he wishes to have Mr. Tung relieved as his counsel; and he asked me to convey that to the Court. As noted, I do not

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believe Mr. Tung's withdrawal at this time will prejudice Mr. Zhu or delay this matter further.

Thank you for your consideration.

Respectfully submitted,

/s/ Benjamin Silverman
Benjamin Silverman
Attorney for Yong Zhu

cc: Counsel of record (by ECF)